



The State of New Hampshire  
**DEPARTMENT OF ENVIRONMENTAL SERVICES**



**Thomas S. Burack, Commissioner**

January 9, 2008

Representative Robert Theberge, Chairman  
Municipal and County Government Committee  
Legislative Office Building, Room 301  
Concord, NH 03301

**SUBJECT: HB-1474-FN - AN ACT** relative to the construction and operation of shooting ranges

Dear Chairman Theberge and Members of the Committee:

Thank you for the opportunity to provide testimony on House Bill 1474-FN. This legislation would prohibit state agencies and the courts from taking actions to stop or interfere with the operation of existing shooting ranges, unless certain evidence exists to demonstrate that the facility has willfully caused a public safety hazard. As written, the bill creates legal defenses that unreasonably and unnecessarily impair the ability of the Department of Environmental Services (Department) to address violations of state environmental law. Accordingly, the Department must register its opposition to this legislation.

Over the last twenty years, the Department has become aware of a number of shooting ranges whose activities have resulted in contamination of soil, groundwater, and surface waters of the state. In all cases, the Department has worked with the owners of those facilities to address the violations, clean up the contamination, and restore soil and water quality. In most cases, the facilities have continued their operations, albeit with modified practices designed to avoid further violations. In some cases, the facilities have opted to discontinue certain shooting activities in order to avoid causing further contamination. In still fewer cases, the Department has exercised its authority to protect human health and the environment and has ordered facilities to cease the shooting activities causing the violation. In no case has the Department ordered complete, permanent closure of a facility.

The Department opposes this legislation because it grants a special exemption to shooting ranges, excluding such facilities from the State's environmental protection laws that currently apply broadly to all New Hampshire citizens and businesses. The bill appears to require that a criminal standard of misconduct by a facility (i.e., "willfully") be demonstrated by the Department before enforcement action can be initiated to address violations of environmental law at shooting ranges.

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Given the Department's history of working cooperatively with these facilities over time, and the potentially serious adverse environmental impacts that they can cause, the Department does not support the enactment of a statute that essentially provides legal immunity to shooting ranges from the administrative and civil enforcement of environmental laws.

If you have any questions regarding this letter of testimony, please do not hesitate to call me or Mike Wimsatt, Director, Waste Management Division at 271-2905.

Sincerely,

A handwritten signature in black ink, reading "Thomas Burack". There are some red ink marks above the signature, possibly from a stamp or correction.

Thomas Burack  
Commissioner

cc: Bill Sponsors  
Michael J. Wimsatt, P.G., Director, Waste Management Division